

**DULLES PARKWAY CENTER II  
ZMAP 2005-0041  
PROFFER STATEMENT**

**July 6, 2007**

**Revised October 11, 2007**

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, as amended (the "Zoning Ordinance"), Miller & Smith at Dulles Parkway Center, LLC, the owner ("Applicant") of the property described as Loudoun County Tax Map 93 ((10)), Parcels 8, 9, 10, and 12 (MCPI # 089-26-7927, 089-27-5311, 089-17-9862, and 089-17-2256 respectively)(the "Property"), on behalf of itself and its successors in interest, hereby voluntarily proffers that the development of the Property subject to ZMAP 2005-0041 shall be in substantial conformity with the proffers as set forth below.

All proffers made herein are contingent upon approval of (i) ZMAP 2005-0041 and the rezoning of the Property to the Planned Development – Transit Related Center ("PD-TRC") zoning classification under the Zoning Ordinance, (ii) the Concept Development Plan, as defined below and included by reference in Exhibit A, and (iii) the requested Zoning Ordinance Modifications, included in Exhibit B. These proffers supersede and replace the proffers approved with ZMAP 89-38 as they pertain to the Property.

**I. CONCEPT DEVELOPMENT PLAN**

The development of the Property shall be in substantial conformity with Sheets 3, 4 and 7 of the Dulles Parkway Center II Zoning Map Amendment plan set dated November 2005 as revised through July 6, 2007, prepared by Bowman Consulting Group, Ltd. (the "Concept Development Plan"). Minor adjustments to the locations of the proposed uses, facilities and improvements shown on the Concept Development Plan ("CDP") shall be permitted to address grading, drainage, environmental, cultural and natural features, ordinance requirements, and other final engineering considerations.

**II. DEVELOPMENT SCOPE**

**A. Residential Units**

Development of the Property shall allow up to a maximum of 624 multi-family dwelling units, inclusive of Affordable Dwelling Units ("ADUs") and "Workforce Housing Units". With regard to the number of ADUs provided, Applicant shall provide 125% of the ADUs required by the Zoning Ordinance. In addition to the ADUs, five (5) dwelling units constructed on the Property shall be provided as "Workforce Housing Units" and shall be available for purchasers whose income does not exceed 100% of Loudoun County's Median Household Income. These units shall be administered in accordance with Chapter 1450 of the Loudoun County Codified

Ordinances, except that the income limit for qualified purchasers shall be 100% of the Loudoun County Median Household Income.

#### **B. Commercial Uses**

The development of commercial uses (that is, any and all permitted non-residential uses) at the Property shall include up to 500,000 square feet of office development, up to 40,000 square feet of retail uses and 60,000 square feet of either retail or office development on Lot 8. Buildings within Lots 9 and 10 shall be constructed to heights of at least four stories.

#### **C. Recreational Amenities**

1. Applicant shall provide opportunities for recreation and passive activities ("Recreational Amenities") throughout the Property. Such Recreational Amenities shall be provided in informal parks, a specialty park and pedestrian plazas to be provided in accordance with this proffer II.C and in the locations as shown on Sheet 4 of the CDP.
2. Informal parks are anticipated to provide passive open space for the enjoyment of the residents and users of the Property. The parks will include natural features such as, but not limited to, reforestation (described in Proffer VI.G below) or enhanced landscaping (described in Proffer VI.E below). Applicant shall construct at least two (2) informal parks in the locations shown on Sheet 4 of the CDP. Applicant shall construct such informal parks concurrently with the delivery of development on adjacent properties. Each informal park shall include a minimum of three (3) benches and shall be a minimum of 10,000 square feet.
3. A specialty park is anticipated to provide water level access to the storm water management pond and shall provide a focal point for the development. The park shall include hard and soft landscaping. Applicant shall construct a specialty park in the location shown on Sheet 4 of the CDP. Applicant shall construct the specialty park concurrently with the construction of a commercial building east of and immediately adjacent to the specialty park. This park shall include a minimum of two (2) picnic tables and two (2) benches and shall be a minimum of 10,000 square feet.
4. Applicant shall provide at least two (2) pedestrian plazas in Lot 8 to provide a place of gathering for the residents and users of Lot 8 as shown on the CDP. Applicant shall also provide at least one (1) pedestrian plaza in Lot 9 as shown on the CDP. The required pedestrian plazas will include a minimum of four (4) benches, shall be a minimum of 5,000 square feet and shall include both landscaping and hardscaping. At least one (1) pedestrian plaza will be constructed on Lot 8 prior to the issuance of occupancy permits for 50% of the residential units on such Lot. A second pedestrian plaza will be constructed on Lot 8 prior to issuance of occupancy permits for 100% of the residential units on such Lot.
5. The exact location of the amenity areas shall be subject to final engineering considerations. All proposed buildings will have access to these amenities by way of sidewalks (five feet in width), as shown on Sheet 4 of the CDP. The Applicant shall use raised boardwalks

over wetlands and waters of the U.S. as part of the planned trail systems, subject to the approval of the County and U.S. Army Corps of Engineers.

#### **D. Community Facility**

Applicant shall provide a community recreation facility ("Community Recreation Facility") of at least of 1,000 square feet. The facility shall be integrated within a building on Lot 8 and shall provide such exercise equipment as is typical for a community of such size and shall include a room for assembly of the residents of the multi-family buildings. The exact amenities to be provided within the Community Recreation Facility shall be determined during the Final Development Plan ("FDP") stage. The community facility shall be constructed during Phase C (as discussed in Proffer V. below), however, Applicant shall have the right to construct such Community Recreational Facility sooner than Phase C.

#### **E. Water and Sewer**

The Property will be served by public water and sewer systems. All water and sewer extensions and connections necessary for development of the Property shall be provided at no expense to the Loudoun County Sanitation Authority ("LCSA") or to Loudoun County. Such water and sanitary sewer extensions shall be constructed in accordance with LCSA standards.

### **III. CAPITAL FACILITIES**

The Applicant shall make a one-time, capital facilities contribution to Loudoun County (the "County") in the amount of \$18,904 for each market-rate unit. The contribution shall be paid prior to or concurrently with the issuance of each residential zoning permit. The Loudoun County Board of Supervisors may allocate said contribution at its discretion.

### **IV. TRANSPORTATION**

#### **A. Regional Transportation Improvement Contribution**

The Applicant shall make a per unit contribution of \$3,339.74 to the County to be used for regional transportation improvements within the vicinity of the Property. Such contribution shall be made prior to or concurrently with the issuance of each residential zoning permit. This figure is based on a Regional Road contribution of \$3,500 per residential unit minus a credit of \$100,000 already contributed by the Applicant (associated with Proffer 27 of ZMAP 1989-0038 and Condition 10 of SPEX 2005-0038) for the design and installation of a signal system at the intersection of Loudoun County Parkway and Centergate Drive.

#### **B. Transit Operational Costs Contribution**

1. In order to facilitate the initiation of bus services to and from the Property, the Applicant shall contribute \$300 per residential unit and \$0.25 per non-residential square foot to the County to be used for the operation of transit buses to the Property and within the immediate vicinity of the Property. This contribution shall be made on a per-unit/ per square foot basis prior to or concurrent with the issuance of each zoning permit.

2. If, within three (3) years of the commencement of bus service at the Property, Applicant has not contributed the funds that would be due and owing under this Proffer IV.B. at full build-out of the Property, Applicant shall provide the balance of such payments on an annual basis over three (3) years according to the following formula:

- The full amount of Transit Operational Costs that would be paid to the County at the time of full build-out of the Property (according to the \$300 per residential unit and \$0.25 per non-residential square foot contributions outlined above) minus
- The amount of Transit Operational Costs that have been paid to the County to date divided by
- Three (3) years.

#### C. Signalization

The Applicant shall prepare and submit a traffic signal warrant study for the Loudoun County Parkway and Centergate Drive intersection prior to or concurrently with the issuance of the first residential zoning permit or first commercial zoning permit on the Property, whichever is first in time. The Applicant shall design and install the signal when authorized to do so by VDOT. If warrants for the signal have not been met prior to the issuance of the 350<sup>th</sup> residential zoning permit for the Property, the Applicant shall contribute \$100,000 to the County prior to the issuance of the 350<sup>th</sup> residential zoning permit for the Property.

#### D. Transportation Demand Management (TDM) Program

1. Prior to the issuance of a zoning permit for non-residential space in excess of 545,000 square feet on the Property or on the date which is ten (10) years after the approval of this application, whichever occurs first, the Applicant shall submit to the Office of Transportation Services ("OTS") for review and approval for implementation by the Applicant or the Property Owners Association (discussed in Proffer VII. below) of a Transportation Demand Management ("TDM") Program consisting of voluntary management measures, the goal of which is to reduce by fifteen percent (15%) the volume of peak hour vehicle trips from those set forth in the Institute of Transportation Engineers Trip Generation (6<sup>th</sup> Edition).

2. The TDM Program shall include provisions for a combination of one, some or all of the following elements which shall be appropriate to the size, scale and location of the proposed uses and which are intended to produce a reduction in the traffic and related impacts of the uses:

a. Transit Incentive Program: Ride-sharing and transit incentive program, which may include activities to encourage and assist the formation of car, van and bus pools, such as cash payments or subsidies, preferential parking charges or parking space location, and other analogous incentive programs.

b. Bike and Pedestrian Incentives: Bicycle and pedestrian incentive measures, will include provisions for bicycle parking and storage (racks) facilities, and may

include provisions for shower and locker facilities and similar incentive features in the non-residential/ commercial office buildings.

c. Flex-time: Variable work hours, or flex-time programs under which employees may stagger their work hours in order to affect a reduction in the amount of peak period traffic levels to and/or from the Property which would otherwise not occur.

d. Miscellaneous TDM Measures: Measures to reduce the reliance on single-occupancy vehicles by employees and others who will travel to and from the Property which may include parking fee structures tailored to encourage multiple occupancy vehicles, time and other access controls to encourage use of parking spaces in on-site parking facilities by multiple occupancy vehicles, and a program to support and encourage the utilization of alternative transportation modes.

e. Following County comment on the TDM Program, the Applicant shall implement the approved provisions of the TDM Program immediately thereafter.

#### **E. Bike Facilities**

The Applicant shall provide five (5) 10-space bicycle racks throughout the Property (final locations to be determined at FDP stage).

#### **F. Crosswalks**

Subject to approval by VDOT, the Applicant shall provide at least three (3) crosswalks across Centergate Drive (final locations to be determined at FDP stage).

#### **G. Centergate Drive Improvements**

Applicant shall provide such turn lanes and commercial entrances along Centergate Drive, as required by VDOT.

#### **H. Bus Shelters**

Prior to the initiation of a bus system serving the Property, Applicant shall construct at least one bus shelter along Centergate Drive. Such shelter shall be designed and constructed in accordance with the Design Guidelines dated July 16, 2007 and prepared by Miller and Smith, included herewith as Exhibit C, and shall be maintained by the Property Owners Association, described in Proffer VII, below.

### **V. PHASING**

The commercial and residential uses within the Property shall be developed in three (3) phases: two (2) phases prior to the Property being serviced by bus and one (1) phase once bus service is operational and serving the Property.

**A. Prior to Bus Service**

1. Phase A: The total number of zoning permits for residential units to be issued during Phase A shall not exceed 130 units. In addition to any other improvements to be completed pursuant to these Proffers, prior to the commencement of Phase B, Applicant shall have received zoning permits for at least 75,000 square feet of non-residential development.

2. Phase B: The total number of zoning permits for residential units to be issued during Phase A and Phase B shall not cumulatively exceed 300 units. In addition to any other improvements to be completed pursuant to these Proffers, prior to the commencement of Phase C, Applicant shall have received zoning permits for at least 475,000 square feet of non-residential development, at least 20,000 square feet of which is for retail or supportive service uses adjacent to either Centergate Drive or the storm water management pond on Lot 8 and Lot 9.

**B. After Commencement of Bus Service**

Phase C: Phase C shall not commence until the Property is served by bus service. Phase C shall be any development above 475,000 square feet of non-residential uses or above 300 residential units. Applicant shall be entitled to receive all remaining residential zoning permits, up to 624, during Phase C. During Phase C, Applicant shall be further entitled to receive zoning permits for all remaining non-residential development.

**VI. ENVIRONMENT**

**A. Wetlands and Streams**

For any wetland and stream impacts on the Property determined to be unavoidable in conjunction with the permitting process, Applicant shall provide wetland mitigation in the following priority order: 1) onsite, 2) within the same planning policy area, and 3) within Loudoun County, subject to approval of the Army Corps of Engineers and the Virginia Department of Environmental Quality. If no such areas are available within the County as verified by County Staff, Applicant shall be permitted to provide wetland mitigation outside of Loudoun County.

**B. Tree Conservation and Tree Protection**

1. The Applicant shall establish tree conservation areas in the locations shown on the CDP as the "Tree Conservation Area." Clearing in these areas shall be permitted only for the construction of utility crossings, wetland mitigation, storm water management facilities, best management practices and trail crossings and any such clearing shall be limited to the minimum area required for said construction. Any necessary clearing in these areas shall be limited to the minimum area required for said construction.

2. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be

achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development. Construction plans shall clearly define the limits of the Tree Conservation Area and all such areas shall be clearly marked in the field. Tree protection fencing shall be placed outside the drip lines along the Tree Conservation Area prior to commencing land-disturbing activities. The Applicant reserves the right to remove, in consultation with the County, any dead, damaged, dying or diseased trees and vegetation, and any tree or vegetation that interferes with the construction, proper functioning and/or use of any utility or drainage easement, or creates a danger to property or persons.

3. If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County Urban Forester that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this Proffer has been damaged during construction and will not survive, then the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The species and placement of replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area determined in consultation between the Applicant and the County Urban Forester.

4. The Property Owners Association (discussed in Proffer VII. below) documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Applicant without specific permission of the County Urban Forester, except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The Property Owners Association documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the Property Owners Association without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

### **C. Noise Impact Study**

1. The Applicant will provide a noise impact study to the County that will determine whether there is any need for additional buffering and noise attenuation measures between the Dulles Greenway and all proposed uses, as described in the Revised Countywide Transportation Plan. The noise impact study shall be based upon traffic volumes for these roadways at a time 10 years from the date of issuance of first zoning permit based upon the most recent, applicable forecast available from the Office of Transportation Services, the ultimate road configuration as defined in the Revised Countywide Transportation Plan and the ultimate design speed.

2. The noise impact study will be conducted by a certified professional engineer and submitted to the County concurrently with the first site plan or construction plan, whichever is

first in time. Noise impacts will be deemed to occur when noise levels approach (that is, 1 decibel less than), meet or exceed the Noise Abatement Criteria identified in the Revised Countywide Transportation Plan.

3. For all impacted uses, noise attenuation measures shall be provided along the specified roadway sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures. Applicant shall endeavor to mitigate noise impacts by employing noise attenuation measures other than freestanding, concrete "sound barriers." Noise attenuation measures shall result in noise levels at least 2 decibels less than impact levels established by the Noise Abatement Criteria

#### **D. Lighting**

Lighting shall be designed and constructed with cut-off and fully shielded lighting fixtures so that the light will be directed inward and downward toward the interior of the Property.

#### **E. Landscaping Plans**

1. Concurrent with the submission of the first site plan application for the Property, Applicant shall submit a landscaping plan for an area averaging 15 feet from the storm water management pond for review and approval by the County. Such plan will outline Applicant's approach for landscaping around the storm water management pond in areas that are not otherwise occupied by plazas or areas of congregation for users and residents. The approved landscaping plan will be implemented concurrent with the first site plan adjacent to the storm water management pond.

2. Applicant shall provide a buffer along the southern boundary of Lot 12 (that is, the property line adjacent Lot 13) of at least three (3) canopy trees per 100 lineal feet. Applicant shall be entitled to cluster the canopy trees, so long as the ratio set forth above is met or exceeded.

#### **F. Storm Water Management Pond on Lots 8 and 9**

Applicant shall enhance the existing storm water management pond located on Lots 8 and 9 by incorporating mechanical pre-treatment device(s) or forebays at the new storm sewer outfalls. A Best Management Practices facility shall be provided to ensure treatment for such runoff not otherwise addressed by the existing storm water management pond on Lots 8 and 9.

#### **G. Reforestation**

Concurrent with the submission of the first site plan application for the Property, Applicant shall submit a reforestation plan to the County prepared by a professional forester or ISA (International Society of Arborists) Certified Arborist. The reforestation plan shall use 1-inch minimum caliper, native, deciduous trees. The reforestation plan shall be submitted for review and approval by the County for the 25-foot buffer associated with the minor floodplain to



the south of Centergate Drive on lot 12. The approved reforestation plan will be implemented concurrent with construction of the first site plan issued for Lot 8.

#### **H. Geographic Information System Information**

The Applicant will provide any digital data it has in its possession to the County for the Property's approved wetland delineation concurrently with the approval of the first site plan.

### **VII. PROPERTY OWNERS ASSOCIATION**

A. All owners of the Property shall be members of Dulles Parkway Center Inc. property owners association (the "Association"). The Association shall be responsible for the implementation of the Dulles Parkway Center Design Guidelines as amended from time to time and included by reference at Exhibit C (dated July 16, 2007).

B. The Association shall provide landscaping and lawn maintenance for all common areas, shall be responsible for snow removal on all private streets and trash removal from the Property. The HOA shall be responsible for the maintenance of all common recreational facilities and buildings, all storm water management facilities, all private streets, and all sidewalks and trails not otherwise maintained by Loudoun County (the "County") or the Virginia Department of Transportation ("VDOT").

C. If the Association's organizational documents need to be amended in any way to implement these Proffers, Applicant shall ensure that such documents are amended prior to occupancy of the first residential unit. Such documents shall be submitted to the County for review and approval prior to the approval of the first record plat or site plan on the Property, whichever is the first in time.

### **VIII. EMERGENCY SERVICES**

A. Prior to the issuance of each residential zoning permit, a one-time contribution of \$120.00 per unit for each residential unit shall be paid to the County for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property.

B. Prior to the issuance of each commercial zoning permit for buildings on the Property, a one-time contribution of \$0.10 per gross square foot of non-residential floor area shall be paid to the County for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property.

C. Said contributions shall escalate on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").

D. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing service to the Property. Notwithstanding

the foregoing, at such time as the primary fire and/or rescue services to the Property are no longer provided by incorporated volunteer companies, the obligation to make the contributions listed within this paragraph shall cease. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire and rescue services to the Property. If only one of these services ceases to be provided by a volunteer company, then the contribution shall be halved and shall continue to be provided to the remaining volunteer company.

#### **IX. OPEN SPACE PRESERVATION**

The Applicant shall contribute \$376 per dwelling unit prior to or concurrently with the issuance of each residential zoning permit, to Loudoun County for the purchase of Open Space Easements.

#### **X. PARKING**

Any areas reflected on the CDP for development (including, but not limited to private roads, buildings, parking, structured parking or other future development) may be used, on an interim and phased basis, for surface parking unless and until the future phases are developed (in which case, the surface parking will be replaced with the designated use).

#### **XI. VOLUNTARY DELAY OF RESIDENTIAL DEVELOPMENT WITHIN THE INNER CORE**

In order to reserve a significant portion of the Property for consideration of achieving additional density pursuant to a separate and future legislative application, Applicant shall not receive any zoning permits for residential uses located within the Inner Core (as identified on Sheet 3 of the CDP) within two (2) years of approval of this application.

#### **XII. COMPLIANCE WITH FEDERAL IMMIGRATION REFORM AND CONTROL ACT**

Applicant shall require contractor and subcontractor compliance with the provisions of the Federal Immigration Reform and Control Act (the "Act"), including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens, requiring the verification and record keeping with respect to identity and eligibility for employment and prohibiting discrimination on the basis of national origin, United States citizenship or intending citizen status. Upon written request of the County, Applicant shall provide necessary contracts, documentation or other appropriate material confirming that Applicant and its contractors comply with the requirements of this provision. Applicant shall not be required to provide any proprietary information not necessary to demonstrate compliance with this proffer.

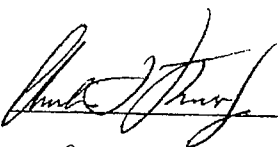
**XIII. ESCALATOR**

Unless otherwise specified, all cash contributions enumerated in these proffers shall be subject to an annual escalator based on the CPI with a base year of 2007. This escalator shall take effect on January 1 of 2008 and change effective each January 1 thereafter.

The undersigned hereby warrants that the only owner with a legal interest in the Property has signed this Proffer Statement, that they, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

Applicant

**MILLER AND SMITH AT DULLES PARKWAY  
CENTER, LLC**, a Virginia limited liability  
company

By:  (SEAL)

Name: Charles F. Stuart, Jr.


Title: Manager

STATE OF VIRGINIA )

) to-wit:

COUNTY/CITY OF FAIRFAX )

The foregoing Proffer Statement was acknowledged before me this 16<sup>th</sup> day of November, 2007, by Charles F. Stuart, Jr., as Manager of Miller and Smith at Dulles Parkway Center, LLC.

  
Notary Public

My Commission Expires: 8/31/2010 #7011682



**EXHIBIT A**

**DULLES PARKWAY CENTER II**

**ZMAP 2005-0041**

**CONCEPT DEVELOPMENT PLAN**

## EXHIBIT B

### ZONING ORDINANCE MODIFICATIONS

#### PD-TRC LOCATION, SIZE AND COMPONENT MODIFICATION

##### Zoning Ordinance Requirements to be Modified

*"Section 4-1102(A) Location & (C) District Subareas. The Transit Related District shall be divided into three (3) parts or subareas. The boundaries of the subareas will vary to correspond with physical and natural boundaries that limit compact development, pedestrian and bicycle connections and movement, and access to the transit station..."*

Proposed Modification. The Applicant requests that the zoning ordinance is modified to allow the proposed PD-TRC district to be developed with only an Inner and an Outer Core.

#### PD-TRC MIX OF USES MODIFICATION

##### Zoning Ordinance Requirements to be Modified

*"Section 4-1109(A) Inner and Outer Core Subareas. The land use mix to be achieved within the combined Inner and Outer Core subareas shall meet the minimum as found in the table below.*

<u>Land-Use Category</u>	<u>Minimum</u>
Commercial and Retail Services	10%
...	...

Proposed Modification. The Applicant requests that the required 10% minimum is eliminated.

#### PD-TRC MIX OF USES MODIFICATION

##### Zoning Ordinance Requirements to be Modified

*"Section 4-1109(C) In order to exceed the minimum percentage in any one category, the minimum percentage in all three categories must be achieved as evidenced by an approved Final Development Plan.*

Proposed Modification. The Applicant requests that the zoning ordinance is modified to eliminate this requirement.

## **LAND USE ARRANGEMENT AND USE LIMITATIONS MODIFICATION**

### **Zoning Ordinance Requirements to be Modified**

*"Section 4-1110(C) The Transit Related Center shall be arranged in a generally rectilinear pattern of interconnecting streets and blocks while maintaining respect for the natural landscape and floodplain.*

Proposed Modification. The Applicant requests that the zoning ordinance is modified to eliminate this requirement.

## **LAND USE ARRANGEMENT AND USE LIMITATIONS MODIFICATION**

### **Zoning Ordinance Requirements to be Modified**

*"Section 4-1110. Land Use Arrangement and Use Limitation. (D) Average block length (measured at the right-of-way) within the total development area that is the subject of a Final Development Plan shall not exceed 400 feet."*

Proposed Modification: The Applicant seeks to increase the 400 foot average block minimum development to 800 feet.

## **BUILDING PLACEMENT AND USES MODIFICATION**

### **Zoning Ordinance Requirements to be Modified**

*"Section 4-1113. Pedestrian-Oriented Building Placement & Uses. (A) (1) Within the Inner Core subarea, a minimum of 70% of any lot width, and within the Outer Core subarea a minimum of 50% of any lot width that is adjacent to a public right-of-way or a plaza, shall be occupied by a building wall built to the setback line."*

Proposed Modification: The Applicant requests that the minimum requirement on Lot 8 that 70% of any lot width adjacent to a public right of way must be occupied by a building wall built to the setback line within the Inner Core be eliminated. Applicant also requests that the minimum requirement on Lot 8 that 50% of any lot width adjacent to a public right of way must be occupied by a building wall built to the setback line within the Outer Core subarea be eliminated.

## **BUILDING PLACEMENT AND USES MODIFICATION**

### **Zoning Ordinance Requirements to be Modified**

*"Section 4-1113. Pedestrian-Oriented Building Placement & Uses. (B) Within the Inner core subarea, at least 70% of the first floor building frontage, and within the Outer Core subarea at least 30% of the first floor building frontage, as required in subsection 4-1113 (A)(1) above, shall contain pedestrian-oriented development, preferably commercial retail and service uses, on the first floor. In multi-family buildings, these percentages may be accomplished with residential*

*accessory uses, lobbies, mailboxes, meeting rooms, and indoor recreation uses. This section shall not apply to single-family dwellings."*

Proposed Modification: The Applicant requests that the requirement for 30% of pedestrian-oriented development on the first floor building frontage within the Outer Core subarea be eliminated for multi-family walk-up units on Lot 12.

#### **BUILDINGS SETBACKS AND ACCESS FROM MAJOR ROAD**

##### Zoning Ordinance Requirements to be Modified

*"Section 4-1121. (C) Private Streets. Roads, serving single family attached, townhouse, and multifamily uses only, may be constructed to private street standards set forth in the Facilities Standards Manual."*

Proposed Modification: The Applicant seeks to modify the zoning ordinance to allow commercial uses to be accessed by private streets.

#### **SETBACKS FROM SPECIFIC ROADS MODIFICATION**

##### Zoning Ordinance Requirements to be Modified

*"Section 5-900. (A) Building Setbacks From Roads. (2) Dulles Toll Road Extension. 150 Feet. (C) Parking Lot Setbacks From Roads. 100 feet, landscaped in accordance with the requirements of Section 5-1414(B)(3)."*

Proposed Modification: The Applicant seeks to reduce the parking and building setbacks to conform with the building and parking setbacks provided in accordance with ZMAP 89-0038.

#### **PD-TRC BUFFER YARD AND SCREENING MODIFICATION**

##### Zoning Ordinance Requirements to be Modified

*"Section 5-1414B(3) Buffer Yard Type 3. Berm Required Adjacent to an Arterial Road. An earthen berm with a minimum height of four feet with a slope not to exceed 3:1 planted with turf or ground cover material."*

##### Proposed Modification

The Applicant requests that zoning ordinance is modified to remove the requirement for a berm in areas for the storm outfall under the Dulles Greenway and into the existing storm water management pond. Applicant also seeks to remove the requirement for a berm where its provision would result in the removal of existing vegetation (as identified on the revised CDP within Tree Conservation Areas).



**EXHIBIT C**

**DULLES PARKWAY CENTER DESIGN GUIDELINES**

**Dated July 16, 2007**

310292 v16/RE